THE REVOLT AGAINST FEUDALISM IN ENGLAND.

THE existing electoral franchise in England is the outcome of three great measures of Parliamentary reform. The first of these Reform Acts, that of 1832, introduced uniformity into the electoral system, and gave votes to the middle classes. Hitherto there had been nothing approaching uniformity. The large cities in the North of England and in the Midland counties which had grown up with the era of manufacturing, were inadequately represented or not represented at all in the House of Commons. Of the old boroughs which were represented, in some the electors were corrupt in the mass, in others the elections were controlled by the government, and others still were nomination or pocket boroughs in the hands of the large landowners, who, in addition to dominating these rotten boroughs, largely influenced the election of members for the county divisions in which their estates were situated. Until after 1832, the House of Commons was therefore practically chosen by the landed aristocracy. The second of the Reform Acts was passed in 1867. It bestowed the franchise on householders in the boroughs, thus enfranchising the working classes in all the large towns. The last act of the series, that of 1884, enfranchised all the small householders in the counties — the working classes in the rural districts, whose political position had been left untouched by the acts of 1832 and 1867.

Each of these Parliamentary Reform Acts was followed by a quickening of political life in the country, and by measures in Parliament which are landmarks in English history. After the act of 1832 came the new Poor Law, the Municipal Corporations Act and, a little later on, the repeal of the Corn Laws. The first of these measures closed the dismal period in Poor Law history which extended from 1760 to 1834, and culminated in the terrible and wide-spread scandals exposed by the royal

commission of 1833. Under the act of 1834 the country was divided into union districts, and a system of poor relief was established which is practically uniform all over the country. It is administered by guardians, elected by the people who pay poor rate, and is checked and controlled by a powerful government department in London, which has had several titles since the act of 1834, but which since the early seventies has been known as the Local Government Board. The second of the great measures following the Reform Act of 1832, the Municipal Corporations Act of 1835, put an end to scandals in municipal administration which were almost on a par with those that had been connected with Parliamentary elections prior to 1832. This is the act under which all the incorporated towns in England now enjoy their extensive rights and privileges.

After the Retorm Act of 1867, and before that of 1884, came the acts which established the present system of elementary education in England, several measures for the relief of Nonconformists, the abolition of purchase in the army, the reform of the civil service, and two Land Acts for Ireland.

Less than nine years have elapsed since the first general election after the Parliamentary Reform Act of 1884. Since that election, when for the first time the working class in the rural and mining districts went to the polls to vote for Parliamentary candidates, Ireland has largely monopolized the mind of the country and the time of Parliament. But notwithstanding the prominence of the Irish question and the extent to which it has harassed and embarrassed both of the old political parties, there has been in the country the same quickening of political life as followed the acts of 1832 and 1867 ; and while the County Government Act of 1888 and the Free Education Act of 1891 are the only great measures as yet on the statute book to mark this quickening, the direction in which the new activity is tending is everywhere apparent.

Much of this political activity is against what remains of the old feudalism, or, to put it more definitely, the power of the landlord in county, municipal and national government. This

movement has received an immense impetus from the creation of a new democracy by the Reform Act of 1884, but the movement is much older than that act. It showed itself between the act of 1832 and that of 1867. The first Reform Act itself was, in fact, the pioneer of the movement. It was followed by the repeal of the Corn Laws. This was an attack upon the economic rather than upon the political power of the landlords; but it worked in both directions, and with the decline in the value of farming lands which followed more or less closely on the repeal, the landlords lost to some extent the very complete control they had hitherto possessed over the votes of their tenantry, although this control was partially maintained until after the Reform Act of 1884. Since then, however, it has become of little value, as the votes of the tenant farmers in most of the county Parliamentary divisions are now more than counterbalanced — in some divisions entirely overwhelmed — by the votes of the laborers, the artisans and the village shopkeepers, who vote as a class with the political party to which the landowners and the farmers are opposed. Other movements, aimed more directly at the political position of the aristocracy than was the abolition of the Corn Laws, had before 1884 deprived the aristocracy of the control of the civil service, and greatly weakened their hold on the army, the navy and the militia. The system of competitive examination had been adopted in connection with all these services, with the result that since 1870 the middle classes have enjoyed the largest share of the appointments in the civil service, and to some extent have shared with the landed classes the appointments in the army, the navy and the militia.

Up to 1885 the battle against the political power of the landed classes and against class privileges was waged by the middle classes, and mainly in their interest. Since 1885 the new democracy has been very generally engaged in the contest, and the vigor with which it is waging the battle, and the number of points at which it has attacked and is still attacking what remains of the old feudalism, form a most significant feature of contemporary English politics. The platform dis-

cussions in the constituencies and the debates in the House of Commons, as well as the bills introduced by private members and those introduced and promised by the government, all show the trend of the new political activity. The Newcastle Program is an outgrowth of the movement ; but the movement is one of which the Radical Party has not now a monopoly. It was a Conservative government which passed the first act of Parliament assailing the power and privileges of the landed class in county government.

Until 1888, the humbler dwellers in the rural districts had no more voice in local government than they had prior to 1884 in the election of members of the House of Commons. Their middle-class neighbors had elected the county members to Parliament ; while the county magistrates, who were and are still exclusively of the landowning class, had enjoyed the entire monopoly of local government, and had controlled county affairs in entire freedom from responsibility to constituents, and with total indifference to the criticisms of the middle and working classes, who were powerless to depose them. For years before the Parliamentary Reform Act of 1884 both Liberals and Conservatives had promised to give all householders in the country districts the same rights and privileges in local politics as were enjoyed by householders in the boroughs under the Municipal Corporations Act of 1835. Popular representative government for the counties was one of the issues on which Mr. Gladstone carried the general election of 1885 ; and had it not been for his sudden conversion to home rule, and the defeat and break-up of the old Liberal Party which his Irish bills of 1886 brought about, there is no doubt that he and his supporters in the House of Commons would soon have turned their attention to this matter. But the election of 1886, which followed Mr. Gladstone's defeat in the House of Commons on the Home Rule Bill, returned the Conservatives and Unionists to power with a majority of nearly a hundred over the combined forces of the Gladstonian Liberals and the Irish Nationalists. As soon, then, as a session could be spared from the demands of Irish business, the

Unionist government took in hand the work of setting up a democratic system of local government for the counties of England and Wales. After nearly an entire session devoted to the discussion, the County Government Act of 1888 was passed.[1]

The measure is admittedly not so radical nor so wide in its scope as it would have been had the Liberals introduced it, or even had they had their way when it was in committee in the House of Commons. The county council, the elective administrative body created by the act, does not enjoy the same extensive powers that a great municipality like Manchester or Birmingham enjoys under the Municipal Corporations Act of 1835 and the more recent measures dealing with local government in towns and cities. For instance, a county council, unlike a town council, has not complete control of the local police force. Its control over the police is shared by the county magistrates, who are appointed by the lord chancellor. The act is, however, an exceedingly liberal measure when one recalls the system of county government which existed prior to 1888, and also the fact that the act was carried through Parliament by a Conservative government of which Lord Salisbury was the head. It is, in short, one of those recent measures, like the Free Education Act of 1891, and the amendments to the Factory Acts, passed in the same year, which show that, notwithstanding the type of old Toryism represented by the present leader of the Conservative Party, the party itself now largely occupies the ground held by the Whigs until a few years after the second Parliamentary Reform Act, when, as has been admirably expressed by a writer in a recent issue of the *Quarterly Review*, it was "their mission to hold the balance between reaction and revolution, and ensure the safety and finality of progressive legislation, by guarding it against popular precipitancy."

At a stroke the act of 1888 displaced the old system of county government by the nominated few. It deprived the

[1] [On the questions involved in this act, *cf.* POLITICAL SCIENCE QUARTERLY, III, 310 (June, 1888).—EDS.]

county magistrates of nearly all the administrative functions they had hitherto exercised in quarter sessions, and left them only the administration of summary justice, the licensing of public houses, a share in the administration of the poor law and a partial control over the county police. It was thus the first act passed after the extension of the Parliamentary franchise in 1884 which seriously curtailed the privileges of the landed classes in connection with local government. The Parish and District Councils Bill which is pending in the House of Lords at this writing, is intended to fill out and perfect the act of 1888. But after that act, so far as local administrative duties were concerned, little was left to the landlords of which further legislation could deprive them. The latest movements against the class concern the privileges which it enjoys, through the office of county magistrate, in dispensing justice and in administering the poor law. The agitation against the landlord on the bench, although taken up by the democracy, has for its object the removal of what after all is mainly a middle-class grievance. The other matter is the outcome of a general movement of the new democracy for some overhauling and reform of the poor law.

To make intelligible the demand for reform in the mode of appointing county magistrates, it is necessary to remember that in England summary justice is administered by three classes of magistrates: (1) Stipendiaries in the large cities; (2) borough magistrates in all the incorporated towns; and (3) county magistrates who exercise their functions in the rural districts, and at quarter sessions in the county towns.

In the boroughs, the mayor by virtue of his office is always a magistrate, and presides at the sitting of the borough police court. His colleagues on the bench are professional men, manufacturers and tradesmen, and occasionally workingmen, who have been appointed by the lord chancellor. These men are usually appointed through local political influence. They are not supposed to be learned in the law, nor is it necessary that they should be so. They only need to be men of high character, integrity and common sense. To each borough

bench is attached a clerk. He is a lawyer, who holds his office during good behavior and is always in attendance at the sittings of the court to advise with the bench. There is no salary attached to the office of borough magistrate. All the recompense is the distinction among his neighbors which a place on the bench gives to a man. A seat on a borough bench is practically open to every man holding a prominent and respected position, and a man of this character who desires it, sooner or later receives the honor. In the long run neither his politics nor his religion nor his origin stands in his way. If his party is out of power one year, it may probably be in power the next, and then his political friends will see that he receives the coveted honor at the hands of the lord chancellor.

Since the County Government Act of 1888, the duties of county justices, who form the third class of magistrates, have been very similar to those of the borough magistrates. Formerly, as has been explained, they had entire control of all county business. Now they administer summary justice in the petty sessional courts in the same way as borough magistrates. But in addition to this they share with a committee of the popularly-elected county council the management and control of the county police force; and each county magistrate is also, by virtue of his office, a member of the board of guardians for the relief of the poor in the union in which he lives. In these two particulars the duties of the county magistrates exceed those of the borough magistrates. In the boroughs, a watch or police committee, elected from and controlled by the town council, has the management of the borough police force; and the borough magistrates, as such, have no duties in connection with the poor law, although they may be elected poor law guardians in the ordinary way.

Furthermore, in addition to the difference in the duties and privileges of unpaid magistrates in the boroughs and in the counties, there is a marked difference in the mode of their appointment. The county magistracy is the older body, and has always been the more exclusive. Magisterial benches in the boroughs, as they now exist, date only from the Municipal

Corporations Act ; while county benches date from the time of Edward III, and the office of county magistrate is governed by legislation and by traditions and customs of some antiquity. A statute of 1327 sets forth that magistrates are to be "of the most worthy, with some learned in the law." For four centuries the law did not insist on a property qualification for county magistrates, but in the time of George II such a qualification was imposed. This qualification and the circumstances attending the appointment of county magistrates have for generations past made the county benches practically close corporations. The laws regulating the matter are good examples of the exclusive care of the landed aristocracy, in the heyday of their power before 1832, for their own political and social advantages and privileges. As these laws now stand, no man can be nominated to the county bench unless he has a net income of £100 a year derived from landed property, or lives in a house assessed to imperial taxation at £100 a year. Nominations are made by the lord lieutenant of the county to the lord chancellor, and the lord lieutenant seldom if ever makes a nomination except at the suggestion of a man who is already a magistrate, or at the instance of a county bench acting through its chairman or its clerk. For generations it has been the etiquette of these benches that no man who has been in retail trade is to be appointed a county magistrate. There is no law to this effect, but long usage has settled it ; and no man who has grown wealthy in retail trade, no matter what his landowning or his rating qualifications, his standing in the community or his integrity and ability, may aspire to the county bench. It is almost the same with a man who is a Non-conformist and a Radical in politics. Church and chapel still socially divide people in provincial England, and nowhere is this division more marked than in the small county towns. The squirearchy is Episcopalian and Tory almost to a man. Socially, the squire has little to do with his Radical and Non-conformist neighbor ; and, accordingly, Radicals and Non-conformists have been kept off the county benches almost as completely as the men who have grown rich in retail trade.

One of the results of the quickening of political life in the rural districts, as has been stated, is a movement for the reform of this antiquated method of appointing county magistrates. The Radicals are agitating for two changes. First they are demanding that the landed-property and tax-paying qualifications shall be abolished, and that any fit resident in a county, as is now the case in a borough, shall be eligible for a place on the county bench. In the second place, and with a view to breaking down the close corporations which now exist, the Radicals are demanding that the lord lieutenant shall no longer have the duty imposed upon him of submitting names to the lord chancellor; but that the latter official shall appoint county magistrates immediately, as he now appoints those on the borough benches. Early in the Parliamentary session of 1893 a resolution was carried by the Radicals in the House of Commons calling upon the lord chancellor to act in this manner. But a resolution has not the effect of law. Little has been done by the lord chancellor in the way of acting upon the resolution. Deputations have waited upon Lord Herschell, the present incumbent, to urge the need of the change; but until the resolution has been embodied in an act of Parliament no great change is likely to be made.

Simultaneously with the agitation against the old mode of appointing county magistrates, there has arisen the demand that these magistrates shall no longer be members of the boards of guardians solely by virtue of their office. Property has always had a full share in the administration of the poor law. When the system was remodeled in 1834, the constitution of the local poor law boards was so devised that, in the elections by the ratepayers, voting power was proportionate to the amount paid in rates to the poor law relief fund. In this way landowners and landlords have always been able to determine the constitution of a board of guardians. All householders who pay poor rate vote at the annual election; but the ratepayers who have only one vote are easily out-voted by those who have half a dozen. As an additional safeguard to property, for nearly sixty years prior to November, 1892, the members

of the poor law boards were allowed to fix their own rating qualification. The act of Parliament only stipulated that the qualification for a guardian should not exceed an assessment of forty pounds a year. Otherwise it was left to the Local Government Board to fix the qualification in each union, and until quite recently the Local Government Board was always as accommodating to the guardians as the lord lieutenants and the lord chancellors have been to the county magistrates. Each board of guardians determined that such and such a qualification was a convenient one in their union, and the Local Government Board issued an order confirming the recommendation of the guardians, and giving it the force of law.

Within the last few years workingmen have been finding their way into town councils and school boards as well as into the House of Commons. About 1890 they began to turn their attention to the administration of the poor law and to the boards of guardians — but only to discover that, while they might be elected to town councils and to Parliament without reference to their rating qualifications, they were in most places debarred from seats on boards of guardians owing to the fact that they lived in small and inexpensive houses. An agitation for reform was started. It was vigorously pushed during the general election of 1892, and as soon as the Liberal government came into office, an immediate change was demanded. The government gave way, and one of the first orders issued by Mr. H. H. Fowler, the new president of the Local Government Board, was one fixing the qualification of poor law guardians at a rating assessment of five pounds per annum. This assessment was intended to include all workingmen householders. It at once broke down the barriers against workingmen as poor law guardians, and was another blow at the power and privileges of the landed and the property-owning classes in local government.

This concession to the demands of the new democracy has been quickly followed by steps toward the realization of their ideas on the other important points of poor law politics. The Parish Councils Bill, at this writing in the House of Lords,

abolishes plural voting and non-elected guardians. These changes, if finally adopted, will sweep away the last of the old defenses with which property surrounded its position, and the employment of the ballot at poor law elections, which is to accompany these reforms, will put the administration of the poor laws entirely into the hands of the democracy.

The reform or abolition of the House of Lords is a cry which dates much further back than the Reform Act of 1884. It has been strengthened by the enfranchisement of the rural democracy; but it has been made clear, by the failure of the movement against the Lords which followed their rejection of the Home Rule Bill, that much will have to happen before the "mending or ending of the House of Lords," to quote the phraseology of the Newcastle Program, is embodied in the Queen's Speech at the opening of a Parliamentary session.

It is not alone the political privileges of the landed aristocracy that are at the present time under attack. The economic position of the great landlords, as it has been sustained by the law, is also being assailed at several points. One of the most pressing demands of the present time comes from the tenant farmers, who are objecting to rents based rather upon the social needs of the landlord than upon the agricultural value of the land. English farmers are generally Conservatives, and hitherto have voted with their landlords; but now, as the evidence taken by the royal commissions on land tenures and agricultural depression in Wales and in England shows, farmers are adopting the Radical cry of land law reform.

As long as the landowners were supreme in Parliament, all legislation affecting landlords and tenants was exclusively in the interest of the landowners. After the Parliamentary Reform Act of 1867, there were two or three attempts at legislation in the interest of the farmer. Tne first of these was in 1875, when Lord Beaconsfield's government passed the Agricultural Holdings Act. This, however, was merely a permissive measure, and landlords all over the country at once inserted clauses in their annual agreements with tenants contracting themselves out of its working. The next measure

in behalf of the tenants was the Ground Game Act of 1880. It was intended to give farmers a right to shoot hares and rabbits on their land, notwithstanding clauses in their leases and the penal provisions of the game laws. Little advantage has accrued to the tenant farmers from this measure, as on most large estates the act has been practically inoperative. A few years later the Agricultural Holdings Act of 1875 was amended by a Liberal government, and made compulsory. Under the provisions of the amended act, a farmer, at the expiration of his tenancy, may claim compensation for unexhausted improvements, the value of these improvements being estimated according to their worth to the incoming tenant But this measure, like the Ground Game Act of 1880, has been of small practical value to the tenant farmers. In many counties it is as inoperative as the act of 1875, since much red-tape surrounds its working, and the tenant farmer who makes a claim for unexhausted improvements stands in dread of the landlord and his inevitable counter-claim for dilapidations, which is always filed after the final statement of the tenant's claim has been made.

The grievances of tenant farmers in reference to the drastic Game Laws which were passed between 1828 and 1863, and are still in full force, the law under which the landlord's claim for rent takes priority over the claims of all other creditors, and especially the law of distress, have led to attempts in some parts of England, more particularly in the North, to form a tenant farmers' party in the country and in the House of Commons, which, while radical in its demands for legislation, shall seek to be independent of both the existing parties, and by adopting tactics like those by which the Irish Nationalists succeeded in bringing home rule to the front, compel the government, whether Liberal or Conservative, to accede to their demands. They aim to abolish the laws of entail and distress, and to establish a land court to settle rents, questions of tenure, and disputes between outgoing tenants and their landlords as to the value of unexhausted improvements. In the present condition of English politics, when narrow majori-

ties in the House of Commons must be the rule, fifteen or twenty members of the house, putting forward land law reform on tenant farmers' lines as their sole mission at Westminster, could soon bring a government to terms. The outlook for the establishment of such a party with such a mission is, however, not very bright. English tenant farmers are not yet educated up to political methods like those by which the Nationalists obtained control of the House of Commons; they are not the people to make much headway with a political movement of this kind. They are easily headed off, as is adequately proved by the St. James's Hall meeting in December, 1892. That gathering had its origin with the tenant farmers; but the landlords and the land-agents readily obtained control. They started cries of protection and bimetallism as a set-off to the demand for land law reform, and it is doubtful whether the tenant farmers' movement was not hindered, rather than advanced, by the agitation which culminated in the London Conference at St. James's Hall, the resolutions in favor of protection and bimetallism, and the impracticable scheme which was then put on foot by Lord Winchilsea.

The tenant farmers' movement, however, is an actuality, although as yet without much obvious political force, and if ever there is a combination between the tenant farmers and the laborers in support of Parliamentary candidates absolutely pledged to land law reform, — and the combination is not an improbable one, — something will have to be done, no matter whether a Liberal or a Conservative government is in power.

In the great towns the democracy is realizing that land does not pay its fair share to public charges — that the ground landlords obtain all the advantages from the growth and improvement of cities, and pay little if anything toward municipal burdens. Hence the agitation in favor of taxing ground values, which, it is urged, would not only compel the ground landlords to contribute towards municipal expenditures that enhance the value of their property, but would also do away with a system which puts a premium on overcrowding.

The demand for the taxation of mining royalties, which developed with great suddenness in the mining constituencies of the North of England after the Parliamentary Reform Act of 1884, lost much of its original force when the royal commission, which thoroughly investigated the subject, presented its report in the session of 1893. The commission recommended no legislation on the subject of mining royalties, and the evidence and the conclusions which it presented upset some fallacious ideas which had existed in the popular mind in respect to the amount of the royalties and their effect on English industries. The royalties were much less than had been generally believed. The royal commission ascertained that in 1889 they averaged fourpence three farthings per ton, and it was not able to report that they were detrimental to the mining industry. The great coal strike which lasted from August until November, 1893, served, however, to bring the question of royalties to the front again. It is now coupled with a demand for the nationalization of all minerals—a demand which will soon play a part in the general assault on the economic position which the landed interest secured for itself in the days when it was in complete control in Parliament.

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